

Introduced by Senator Escutia
(Principal coauthor: Assembly Member Goldberg)

February 23, 2001

An act to add Article 9 (commencing with Section 46210) to Chapter 2 of Part 26 of the Education Code, relating to schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1020, as introduced, Escutia. California Middle Grades Extended Year Incentive Program.

Existing law requires the Superintendent of Public Instruction to reduce the base revenue limit per unit of average daily attendance for a fiscal year if a school district that receives an apportionment under the incentive program for a longer instructional day and year offers less than 180 days of instruction and less than a prescribed minimum number of instructional minutes.

This bill would establish the California Middle Grades Extended Year Incentive Program under which a school district implementing a program by adding 30 instructional days to the school year would receive incentive funding if certain conditions are met. The bill would prohibit the waiver of any provision of this program.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares that
- 2 reading scores in the middle grades have not progressed as rapidly
- 3 as the reading scores in the primary grades. The Legislature further
- 4 finds and declares that it is important that these middle school

1 pupils acquire the necessary skills to achieve reading and math
2 competency as it relates to the California academic content
3 standards.

4 (b) It is the intent of the Legislature to do all of the following:

5 (1) Authorize additional instruction for all middle school
6 pupils to build a strong foundation to achieve academic success in
7 high school.

8 (2) Create increased benefits for teachers by providing a longer
9 professional year.

10 (3) Improve instruction in the core academic subjects and
11 maintain or increase the instructional time in core academic
12 subjects.

13 (4) Decrease the need for remedial activities during high
14 school.

15 (5) Allow middle schools to provide an enhanced quality
16 education that will increase pupil achievement.

17 (6) Provide teachers additional opportunities to implement a
18 deeper and richer standards-based curriculum in the classroom.

19 SEC. 2. Article 9 (commencing with Section 46210) is added
20 to Chapter 2 of Part 26 of the Education Code, to read:

21

22 Article 9. Middle Grades Extended Year Incentive Program

23

24 46210. (a) There is hereby established the California Middle
25 Grades Extended Year Incentive Program.

26 (b) A school district that maintains classes for grades 6, 7, 8, or
27 9, in qualifying schools, as defined in Section 46212, may apply
28 to the Superintendent of Public Instruction to implement the
29 program at one or more schools beginning in the 2001–02,
30 2002–03, or 2003–04 school year, as determined by the school
31 district.

32 (c) A charter school is eligible to apply for program funding
33 and, as a condition of apportionment of funds pursuant to this
34 article, shall comply with all of the requirements of this article.

35 (d) A county office of education and a county superintendent
36 of schools are not eligible to participate in the program.

37 46211. (a) An application to implement a program shall
38 include the following:



(1) For each schoolsite, the grade level or grade levels to be funded at that site and the projected pupil attendance at that site for the years that the district proposes to participate in the program.

(2) A description of how the core curriculum areas taught during the regular instructional time will be integrated within the additional qualified days of instruction. It is the intent of the Legislature that the core curricula instructional strategies be modified to take advantage of the entire extended school year, so that instruction in core programs is proportionally maintained or increased for all pupils.

(3) For multitrack year-round schools applying to participate but proposing not to provide 30 additional days of pupil instruction, a statement demonstrating how the district proposes to meet the instructional time requirements for additional qualified days of instruction.

(4) A statement demonstrating how the district proposes to use the teacher of record for that particular class of pupils to deliver the additional qualified days of instruction. Participating schools shall maximize the use of the teacher of record for that particular class of pupils to integrate the additional qualified days of instruction with the regular instructional program through lengthening the instructional year of teachers in all nonyear-round schools and through lengthening the instructional day, or in combination with lengthening the instructional year, for teachers in impacted multitrack year-round schools authorized to participate in the program.

(5) A record of acknowledgement of the accountability provisions set forth in Section 46214. The acknowledgement shall be made by formal noticed action of the governing board of the school district at one of its meetings.

(b) (1) Subject to the annual appropriation for the purposes of this article, the Superintendent of Public Instruction shall approve applications that comply with the requirements of this section.

(2) If the annual appropriation provided for the purposes of this article is not sufficient to fund all of the applications received for that year, the Superintendent of Public Instruction shall approve applicants by selecting schoolsites from within each decile range of the Academic Performance Index calculated pursuant to Section 52052 so that applicants from each decile range are approved in the same proportion. To the extent funds permit,



1 remaining qualifying applications shall be awarded within deciles
2 with priority to the lowest performing schools.

3 46212. Notwithstanding any other provision of law, for
4 purposes of this article, the following terms have the following
5 meanings and requirements:

6 (a) “Additional qualified days of instruction” means the time
7 during which pupils are scheduled to attend classes in each of the
8 30 additional days of attendance required by this article. All
9 additional qualified days of instruction shall be consistent with the
10 provisions of subdivision (a) of Section 46300.

11 (1) Each of the 30 additional days of instruction shall consist
12 of no less than five hours a day for participating pupils in grades
13 6, 7, and 8 or no less than six hours per day for pupils in grade 9.

14 (2) For impacted, multitrack year-round schools, additional
15 qualified days of instruction means the time equivalent of 30 days
16 of additional instruction that pupils are scheduled to attend classes
17 or no less than 150 additional hours for pupils in grades 6, 7, and
18 8 and no less than 180 additional hours for pupils in grade 9 when
19 compared to the total time offered in the 2000–01 school year. A
20 multitrack year-round school may utilize any combination of days,
21 hours, or minutes to meet the equivalent of the 30 days of
22 additional instructional time required by this article.

23 (b) “Core curriculum areas” means courses, approved by the
24 governing board of the school district, in reading, writing,
25 mathematics, history-social science and science that meet the
26 standards adopted pursuant to Chapter 5 (commencing with
27 Section 60600) of Part 33.

28 (c) “Program” means the California Middle Grades Extended
29 Year Incentive Program.

30 (d) “Qualifying school” means a school within an elementary
31 school district or unified school district that provides instruction
32 in one or more of grades 6, 7, 8, or 9. A school district may
33 implement the program in any school or schools within the district
34 subject to the following conditions:

35 (1) A school district receiving funds under this article shall
36 implement the program for all pupils in grades 7 and 8 in a school
37 that is configured to offer both grades 7 and 8.

38 (2) For schools that are configured to offer only grade 7 or
39 grade 8, a school district receiving funds under this article shall
40 implement the program for all pupils in grade 7 or for all pupils in

1 grade 8 in those schools. However, a school district shall
2 implement the program in at least two grades.

3 (3) A school district receiving funds under this article shall
4 implement the program for all pupils in either grade 6 or grade 9
5 if taught at the same site as pupils in grades 7 or 8 if the program
6 is implemented at that school.

7 (4) A school district may also implement the program in a
8 separate school that does not include instruction in either grades
9 7 or 8, but shall be limited to, implementation of only one of grades
10 6 or 9 in those separate schools. A school district may not
11 implement the program for grade 6 or grade 9 in a separate school
12 unless the program is implemented in a school serving both grades
13 7 and 8. A school district shall attempt to maximize participation
14 in all schools of the district for three full grades.

15 (5) A school district may not claim incentives for more than the
16 total number of units of average daily attendance in the district
17 from grades 7 and 8 plus the greater of either grades 6 or 9.

18 (e) “Regular instructional program” means the instructional
19 program in terms of days of instruction and annual minutes of
20 instruction provided in the school by grade level for the 2000–01
21 school year, but not less than the requirements of Section 46201.

22 (f) “School district” means a school district and a charter
23 school.

24 46213. (a) (1) By August 1, 2001, the Superintendent of
25 Public Instruction shall develop and make available to school
26 districts an application form for use in applying to implement the
27 program in the 2001–02 fiscal year.

28 (2) By October 1, 2001, and October 1, 2002, the
29 Superintendent of Public Instruction shall develop and make
30 available to school districts an application form for use in applying
31 to implement the program beginning in the 2002–03 or 2003–04
32 fiscal year, respectively.

33 (b) A school district or charter school shall only submit one
34 application for all of the schoolsites under its jurisdiction and need
35 not submit applications on an annual basis if participation by the
36 schools is continuous and the schools meet the program
37 requirements on an annual basis. The entity that granted a charter
38 school’s charter may apply on the charter school’s behalf.

39 (c) The Superintendent of Public Instruction, with approval of
40 the State Board of Education, shall contract for an independent

1 evaluation on the effectiveness of the Middle Grades Extended
2 Year Incentive Program. The independent evaluator shall submit
3 an interim report to the Governor, the Department of Finance, the
4 Secretary for Education, and the Legislature on or before August
5 1, 2002, and a final report on or before September 4, 2004.

6 (d) The State Board of Education may adopt regulations for the
7 purposes of this article as emergency regulations in accordance
8 with Chapter 3.5 (commencing with Section 11340) of Part 1 of
9 Division 3 of Title 2 of the Government Code. For the purposes of
10 the Administrative Procedure Act (Chapter 3.5 (commencing with
11 Section 11340), Chapter 4 (commencing with Section 11370),
12 Chapter 4.5 (commencing with Section 11400), and Chapter 5
13 (commencing with Section 11500) of Part 1 of Division 3 of Title
14 2 of the Government Code, including Section 11349.6 of the
15 Government Code, the adoption of the regulations shall be deemed
16 to be an emergency and necessary for the immediate preservation
17 of the public peace, health and safety, or general welfare,
18 notwithstanding subdivision (e) of Section 11346.1 of the
19 Government Code. Notwithstanding subdivision (e) of Section
20 11346.1 of the Government Code, any regulation adopted
21 pursuant to this section shall not remain in effect more than 180
22 days unless the State Board of Education complies with Chapter
23 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
24 Title 2 of the Government Code, as required by subdivision (e) of
25 Section 11346.1 of the Government Code.

26 46214. (a) A school district shall receive apportionments of
27 funding pursuant to this article only if it complies with all of the
28 following:

29 (1) Every pupil participating in the program for whom an
30 incentive is claimed pursuant to this article is scheduled to attend
31 every hour of the additional qualified days of instruction.

32 (2) Every qualified school participating in the program, in
33 addition to meeting the requirements for additional qualified days
34 of instruction, continues to provide no fewer days of instruction
35 nor fewer annual hours of instruction for the regular instructional
36 program than was provided in the 2000–01 school year.

37 (b) A school district that receives apportionments of funding
38 pursuant to this article shall also provide to each pupil attending
39 a qualifying school, for that pupil's individual use, a textbook and
40 any other instructional materials that are required for the core

1 curriculum. The textbook and instructional materials shall be
2 aligned with standards adopted pursuant to Section 60605 for
3 pupils in grades 6, 7, and 8 and with subdivision (c) of Section
4 60451 for pupils in grade 9. Each textbook shall reflect any
5 applicable curriculum standards adopted by the State Board of
6 Education within seven months of adoption. The apportionment
7 received by a school district that does not comply with this
8 subdivision shall be reduced as set forth in subdivision (d) of
9 Section 46216.

10 46215. (a) A pupil enrolled in a school participating in the
11 program is subject to compulsory education as provided in Section
12 48200 for both the additional qualified days of instruction and
13 regular instructional program.

14 (b) Instruction provided through independent study during the
15 additional qualified days of instruction does not qualify for
16 funding pursuant to this article. Funding for instruction provided
17 through independent study during the additional qualified days of
18 instruction may be claimed only under regular revenue limit
19 funding provisions. Nothing in this article is intended to prohibit
20 or discourage the use of independent study during the additional
21 qualified days of instruction as long as it is funded as provided in
22 this subdivision.

23 46216. (a) The governing board of each school district shall
24 report to the Superintendent of Public Instruction during each
25 fiscal year the average daily attendance of pupils meeting the
26 requirements for additional qualified days of instruction while
27 attending qualified schools and grade levels participating in a
28 program pursuant this article at the annual apportionment time.

29 (b) A unit of average daily attendance for purposes of
30 qualifying for the incentive in subdivision (c) shall be the average
31 daily attendance of pupils over the 30-day period constituting the
32 additional qualified days of instruction, or the time equivalent for
33 impacted multitrack year-round schools, approved for
34 participation for the respective grade levels. Consistent with
35 paragraph (1) of subdivision (a) of Section 46212, the average
36 daily attendance shall only include attendance during the hours the
37 pupil is scheduled to attend classes. If a pupil is not scheduled to
38 attend a portion of the day, the average daily attendance for that
39 pupil shall be reduced proportionately. For pupils participating in
40 impacted multitrack year-round schools approved for

1 participation for the respective grade levels who are not scheduled
2 to attend for the full additional time equivalent specified in
3 paragraph (1) of subdivision (a) of Section 46212 for the school
4 year, the average daily attendance for claiming incentives pursuant
5 to this article shall be reduced proportionately.

6 (c) In addition to funds from all other sources, the
7 Superintendent of Public Instruction shall apportion to a school
8 district that operates a program seven hundred seventy dollars
9 (\$770) per year for each unit of average daily attendance reported
10 at the annual apportionment for pupil attendance at qualifying
11 schools for grades participating in additional qualified days of
12 instruction authorized in this article, adjusted annually
13 commencing with the 2002–03 fiscal year for the inflation
14 adjustment calculated pursuant to subdivision (b) of Section
15 42238.1.

16 (d) The Superintendent of Public Instruction shall advance
17 payment at the second principal apportionment sufficient to fund
18 the district's estimated average daily attendance for the additional
19 qualified days of instruction based on an estimate, given by the
20 governing board of the school district to the Superintendent of
21 Public Instruction at the time of reporting for the second principal
22 apportionment of the respective fiscal year, of qualifying average
23 daily attendance for pupils in qualifying schools participating in
24 the program. The Superintendent of Public Instruction shall adjust
25 payments at the annual apportionment time so that total funding
26 pursuant to this article does not exceed the amount for which a
27 district is eligible pursuant to subdivisions (c) and (e). If the
28 governing board of a school district fails to provide an estimate by
29 the specified date, the school district shall not receive funds for
30 purposes of the article until the annual apportionment.

31 (e) Notwithstanding any provision of law to the contrary, the
32 amount in subdivision (c) shall be reduced by 10 percent or
33 seventy-seven dollars (\$77) in the 2001–02 fiscal year, as
34 increased for inflation in subsequent fiscal years pursuant to
35 subdivision (c), for every pupil not provided with approved
36 instructional materials required pursuant to subdivision (b) of
37 Section 46214 for each class in a core curriculum area in either the
38 additional qualified days of instruction or the regular instructional
39 program.

1 46217. The Controller shall include, in the audit guide
2 required by subdivision (a) of Section 14502, instructions
3 appropriate to the determination of compliance with the
4 requirements of this article. These instructions shall include, but
5 not necessarily be limited to, procedures for verifying the
6 attendance of pupils reported pursuant to Section 46216 and
7 compliance with each of the conditions of apportionment set forth
8 in Section 46214.

9 46218. Notwithstanding Section 33050 or any other
10 provision of law, no provision of this article may be waived.

